

STANDARD CRIMINAL 15

DEFENDANT NEED NOT TESTIFY

The State must prove guilt beyond a reasonable doubt based on the evidence. You must not conclude that the defendant is likely to be guilty because the defendant did not testify. The defendant is not required to testify. The decision on whether or not to testify is left to the defendant acting with the advice of an attorney. You must not let this choice affect your deliberations in any way.

SOURCE: RAJI (Criminal) No. 15 (1996); A.R.S. §§ 13-115 & -117 (statutory language as of October 1, 1978); *Griffin v. California*, 380 U.S. 609 (1965).
